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Teri McDonald 5/12/05

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Re Applic of	Bruce B. Doris, et al.
Docket No.	FIS920040022US1
Serial No.	10/708,451
Filing Date	3/4/2004
Attorney	H. Daniel Schnurmann

Attached: Response to Restriction Requirement

PLEASE DELIVER TO: Yennhu B. Huynh
EXAMINER: ART UNIT: 2813
CONFIRMATION NO.: 2450
PHONE NO:
FAX NO: 703-872-9306

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INTERNATIONAL BUSINESS MACHINES CORPORATION

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I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING SENT VIA Facsimile Transmission to: COMMISSIONER OF PATENTS AND TRADEMARKS, Alexandria VA 22313, on May 12, 2005 by: Teri McDonald

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE	
In re application of: Bruce B. Doris, et al.	Date: May 12, 2005
Serial Number: 10/708,451	Examiner: Yennhu B. Huynh
Filed: 3/04/04	Group Art Unit: 2813
Title: Planar Pedestal Multi-Gate Device.	IBM Corporation D/18G, B/300, Zip 482 2070 Route 52 Hopewell Junction, NY 12533-6531

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner of Patents and Trademarks
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action dated May 04 2005.

The Examiner in the aforementioned Office Action has required restriction under 35 U.S.C. 121, stating that the claims belong to:

GROUP I, Claims 1-3 and 11-20 drawn to a method of forming a transistor, and


GROUP II, Claims 4-10, drawn to a transistor device.

Applicants traverse the aforementioned Restriction Requirement for the following reason:

Applicants submit that the claims as filed are related as a process of fabricating a Field-Effect Transistor and are limited to making only FETs of the type illustrated in Figures 1-11. The Restriction Requirement justifies the restriction by vaguely stating that "the process as claimed can be used to make other and materially different products", but fails to list any such "other and materially different products". Thus, Applicants deem that both Groups I and II are one and the same, and they do not fit the criteria for restriction. Accordingly, it is believed that the restriction requirement should be withdrawn.

Notwithstanding the foregoing arguments, Applicants elect to prosecute the invention of GROUP I, consisting of Claims 1-3 and 11-20, drawn to the method, and withdraw from consideration the claims forming GROUP I, as being drawn to non-elected invention, without prejudice to the Applicants' right to file a Divisional or Continuation or Continuation-in-Part Patent Application for the withdrawn claims.

Respectfully submitted,
BRUCE B. DORIS, ET AL.

By: 
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